

REMARKS

Applicant has carefully reviewed the Examiner's February 11, 2004, Official Action and respectfully requests reconsideration based on the above amendments and the following comments.

New claims 8-12 have been added. Claims 1-12 remain in the application for consideration.

As the Examiner will note, Applicant has amended the title, specification, abstract and claims for the following reason. The usual spring struts are compression struts. However, in the case of the claimed invention, the spring strut is an extension spring strut having an extension spring rather than a compression spring. Applicant submits that no new matter is introduced by this change, as the extension spring is clearly identified throughout the disclosure.

Applicant thanks the Examiner for his indication that claim 6 would be allowable subject to being rewritten in independent form. In response, Applicant has added new claims 8-12 wherein claim 8 is a combination of the features of original claims 1, 5 and allowable claim 6. Accordingly, Applicant respectfully submits that claim 8 is allowable along

with dependent claims 9-12 which correspond to original claims 2-4 and 7.

In response to the Examiner's objection to claim 5, Applicant has amended claim 5 by deleting "it" and replaced it by the element represented. Applicant respectfully submits that this objection has been overcome.

The Examiner has further rejected claims 1-4 and 7 under 35 U.S.C. 103(a) as being unpatentable over Jobelius '131, and claim 5 under 35 U.S.C. 103(a) as being unpatentable over Jobelius. Applicant respectfully traverses this rejection, especially as applied to claim 1 as amended.

Jobelius does not anticipate or make obvious the invention according to the actual application. The element according to Jobelius, especially Fig. 3 of Jobelius, is not an extension spring strut. First of all, the helical spring 214 is not a pre-loaded extension spring but a helical compression spring (column 9, line 9-12 of Jobelius). There is no mention of pre-loaded extension spring found in Jobelius.

Secondly, the element 210 is not a damper but a gas spring. It is the primary spring in Jobelius.

Furthermore, Jobelius does not disclose any actuating tappet according to the last feature group of claim 1. The

piston rod 210b of Jobelius is not an actuating tappet but a piston rod of the compression gas spring 210.

The function of Jobelius, based on the features of Jobelius, is completely different to the function of the inventive strut based on the features of claim 1.

The extension of the Jobelius gas spring is as follows; first of all the piston rod 210b is pressed out of the housing 210a. During this movement the gas under pressure in the housing 210a exerts a power to the piston rod which is directed out of the housing 210a. During this time the helical compression spring does not exert any power to the gas spring 210. After the pushing out of the piston rod 210b out of the housing 210a, an extension power is exerted to the piston rod 210b. Thereafter the complete gas spring is drawn out of the outer tube 212 thereby compressing the helical spring. In other words, the extension of the gas spring element of Jobelius exerts an extension power in the first part of the extension way and on the second part of the extension way it needs an extension power to draw the gas spring 210 out the tube 212. The shortening of the gas spring element of Jobelius functions in the reverse way, i.e. during the first part of the shortening way, the compression spring 214 is extended and exerts a power in the shortening direction

to the gas spring 210. During the second part of the shortening way, there must be exerted a compression power on the piston rod 210b to push it into the housing 210a of the gas spring 210.

The function of the strut of the claimed invention is completely different. With regard to this function, please see page 3, last paragraph, and page 5.

Applicant submits that the invention is new and unobvious and not disclosed by the cited art. Accordingly, Applicant respectfully solicits the Examiner's early review and issuance of this application.

Respectfully submitted,

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